

EXHIBIT 2

Nicholas Loaiza

From: Christopher S. Sun (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>
Sent: Wednesday, October 16, 2024 2:46 PM
To: Charlotte Lepic; CMHomer@mofo.com; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; KVP-OAI; MicrosoftNYClassActionFDBR@faegredrinker.com; nyclassactions_microsoft_ohs@orrick.com; Elana.NightingaleDawson@lw.com
Cc: Alter-AI-TT@simplelists.susmangodfrey.com
Subject: RE: AG v OAI - preliminary agenda
Attachments: Redline.docx

EXTERNAL Email

Hi Charlotte,

Here's the next turn of the agenda. Sorry for the delay.

Two points to flag. First, on the issue of "Models" (Item 3), we aren't sure what dispute Plaintiffs are referencing. Could you explain? Plaintiffs never responded to OpenAI's most recent offer on this issue. We might need to revise that section further based on what you say.

Second, on the issue of "Text Messages" (Item 6), OpenAI confirms that its reasonable search for responsive documents will include seeking access to Sam Altman, Greg Brockman, and Mira Murati's text messages for purposes of identifying relevant, responsive documents. We're investigating whether there is reason to believe Angela Jiang's text messages are likely to have relevant, responsive information. If Plaintiffs have reason to believe Ms. Jiang sent relevant text messages, please provide that information so we may consider it. We are happy to keep conferring on that particular issue. We're hoping that resolves this dispute, for now at least, so we've removed it from the agenda.

Chris

From: Charlotte Lepic <CLepic@susmangodfrey.com>
Sent: Wednesday, October 16, 2024 9:46 AM
To: CMHomer@mofo.com; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; KVP-OAI <KVPOAI@keker.com>; MicrosoftNYClassActionFDBR@faegredrinker.com; nyclassactions_microsoft_ohs@orrick.com; Elana.NightingaleDawson@lw.com
Cc: Alter-AI-TT@simplelists.susmangodfrey.com
Subject: Re: AG v OAI - preliminary agenda

[EXTERNAL]

Thank you, Elana. Subject to the same qualifications, please find Plaintiffs' agenda attached. We look forward to exchanging again at 5e/2p. Please call with any issues you believe it would be helpful to discuss before then.

212-729-2064 (o) | 646-421-3356 (m)

From: Elana.NightingaleDawson at [lw.com](#) (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>
Sent: Wednesday, October 16, 2024 12:03 PM
To: Charlotte Lepic <Clepic@susmangodfrey.com>; CMHomer@mofo.com <CMHomer@mofo.com>;
openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright@mofo.com
<OpenAICopyright@mofo.com>; KVPOAI@keker.com <KVPOAI@keker.com>;
MicrosoftNYClassActionFDBR@faegredrinker.com <MicrosoftNYClassActionFDBR@faegredrinker.com>;
nyclassactions_microsoft_ohs@orrick.com <nyclassactions_microsoft_ohs@orrick.com>
Cc: Alter-AI-TT@simplelists.susmangodfrey.com <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: RE: AG v OAI - preliminary agenda

EXTERNAL Email

Counsel,

Pursuant to our agreement as set forth below, please find attached a draft of OpenAI's agenda items. OpenAI reserves the right to make changes, including additions and deletions, in light of the Parties' ongoing exchange-and-conferral process.

Regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

From: Nightingale Dawson, Elana (DC)
Sent: Wednesday, October 16, 2024 11:00 AM
To: Charlotte Lepic <Clepic@susmangodfrey.com>; Homer, Carolyn M. <CMHomer@mofo.com>; #C-M OPENAI
COPYRIGHT LITIGATION - LW TEAM <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright
<OpenAICopyright@mofo.com>; KVPOAI@keker.com; MicrosoftNYClassActionFDBR@faegredrinker.com;
NYClassActions_Microsoft_OHS <nyclassactions_microsoft_ohs@orrick.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: RE: AG v OAI - preliminary agenda

Hi Charlotte,

Thanks so much for handling the filing.

We agree with the proposed draft form you contemplate and are taking the same approach, understanding that both sides may have revisions following our exchanges. (I think we can figure out if / whether / when it make sense to identify requests on a case-by-case basis, but understand you may not include those details.)

Best regards,
Elana

Elana Nightingale Dawson (she/her/hers) | **LATHAM & WATKINS LLP**

Tel: 202-637-2303 | Cell: 213-703-8628 | Fax: 202-637-2201

From: Charlotte Lepic <Clepic@susmangodfrey.com>
Sent: Wednesday, October 16, 2024 8:48 AM
To: Homer, Carolyn M. <CMHomer@mofo.com>; #C-M OPENAI COPYRIGHT LITIGATION - LW TEAM <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com; MicrosoftNYClassActionFDBR@faegredrinker.com; NYClassActions_Microsoft_OHS <nyclassactions_microsoft_ohs@orrick.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: Re: AG v OAI - preliminary agenda

Hi Carolyn, confirming we can handle filing.

Charlotte Lepic | Susman Godfrey LLP
212-729-2064 (o) | 646-421-3356 (c)

From: Charlotte Lepic (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>
Sent: Tuesday, October 15, 2024 22:54
To: Homer, Carolyn M. <CMHomer@mofo.com>; OpenAICopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com <KVPOAI@keker.com>; MicrosoftNYClassActionFDBR@faegredrinker.com <MicrosoftNYClassActionFDBR@faegredrinker.com>; NYClassActions_Microsoft_OHS <nyclassactions_microsoft_ohs@orrick.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
Subject: RE: AG v OAI - preliminary agenda

EXTERNAL Email

Hi Carolyn,

On a quick read, this appears to reflect the parties' agreement at our call today, with the following two caveats: (a) the parties did not agree to "citing the at-issue discovery request", and (2) some of our current drafts take the form, "The parties have a dispute regarding [X]. The parties are continuing to negotiate with respect to these issues and hope to reach an out of Court resolution, but motion practice may be required to resolve them." We believe this is consistent with the parties' discussions, but it would be good to know now if you disagree.

We too will endeavour to get you the first round as early as possible before the agreed deadline and will be available by phone for subsequent revisions.

We believe Plaintiffs can handle filing, but let us confirm tomorrow.

Thanks,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Homer, Carolyn M. <CMHomer@mofo.com>

Sent: Tuesday, October 15, 2024 9:52 PM

To: Charlotte Lepic <CLePic@susmangodfrey.com>; OpenAICopyrightlitigation.lwteam@lw.com; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com; MicrosoftNYClassActionFDBR@faegredrinker.com; NYClassActions_Microsoft_OHS <nyclassactions_microsoft_ohs@orrick.com>

Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>

Subject: RE: AG v OAI - preliminary agenda

EXTERNAL Email

Charlotte,

We write to formalize the agenda exchange process we discussed this afternoon.

1pm Eastern / 10am Pacific tomorrow: Each party will circulate a brief, one paragraph, summary of each current issue in dispute they wish to raise for the Court. Each paragraph will be brief, neutral, and non-argumentative. There will be no attachments of confidential information. The format of each paragraph will be:

- Brief statement of the party's discovery demand, citing the at-issue discovery request.
- Brief statement of the current response/compromise offer on the table from the other party.

5pm Eastern / 2pm Pacific tomorrow:

- The receiving party will provide any edits to the response/compromise position.

I know we discussed an earlier response just to indicate whether or not we expected significant edits. We'll still try to do that as quickly as we can, but we thought it would be clearer to send a proposed final timeline. If significant revisions are needed we will endeavor to hop on the phone or otherwise resolve them expeditiously.

We propose Authors Guild handles the e-filing.

Carolyn Homer

Of Counsel

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Morrison Foerster

2100 L Street, NW, Suite 900

Washington, DC 20037

From: Charlotte Lepic <CLePic@susmangodfrey.com>

Sent: Tuesday, October 15, 2024 1:23 PM

To: OpenAICopyrightlitigation.lwteam@lw.com; OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com; MicrosoftNYClassActionFDBR@faegredrinker.com; NYClassActions_Microsoft_OHS <nyclassactions_microsoft_ohs@orrick.com>; Charlotte Lepic <CLePic@susmangodfrey.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
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External Email

Counsel,

Apologies for the duplicate email. We have received and discussed OpenAI's responses to RFPs 71-83, and have no further disputes about those requests to raise with the Court at this time other than those specifically outlined below.

We have not, however, received OpenAI's responses to RFPs 50, 52, 59-63, or 65-70. (*See* my email of Oct. 4, following up on your email of Sep. 19, itself promising a response on these RFPs after we followed up on Aug. 27, Sep. 6, and Sep. 16; *see also* my full summary of the meet and confer history on these RFPs set forth in my email of Oct. 9.) We intend to raise those RFPs with the Court.

Additionally, we wish to address with the Court the pace of discovery.

Please be prepared to discuss those items in our call today.

In light of the large number of items for discussion, it would be helpful if OpenAI could offer more time or a more focused set of issues to discuss. If certain members of your team are only available at certain times, we are happy to let that availability guide the agenda for today's call.

Many thanks,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

From: Charlotte Lepic (via Alter-AI-TT list) <Alter-AI-TT@simplelists.susmangodfrey.com>
Sent: Tuesday, October 15, 2024 12:08 AM
To: OpenAICopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>;
OpenAICopyright <OpenAICopyright@mofo.com>; KVPOAI@keker.com <KVPOAI@keker.com>;
MicrosoftNYClassActionFDBR@faegredrinker.com <MicrosoftNYClassActionFDBR@faegredrinker.com>;
NYClassActions_Microsoft_OHS <nyclassactions_microsoft_ohs@orrick.com>
Cc: Alter-TT (Alter-AI-TT@simplelists.susmangodfrey.com) <Alter-AI-TT@simplelists.susmangodfrey.com>
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EXTERNAL Email

Counsel,

As it stands, the items we may wish to flag for the Court are the following:

OpenAI:

1. Deposition coordination
2. Licensing
 1. Internal communications
 2. Communications with third parties with whom a license did not result
3. With respect to which models OpenAI will produce documents
4. Responses to RFP Nos. 90-94 and similar RFPs that enquire as to the relationship among the entities
5. RFP 32, financial information, and communications with Microsoft
6. Board documents, Governing Board documents, and Data Working Group documents
7. RFPs 71-83
8. Text messages of Sam Altman, Mira Murati, Greg Brockman, and Angela Jiang.
9. X.com direct messages of Chelsea Voss, Sam Altman, Greg Brockman, and Nick Turley.
10. Virtual data rooms, Notion, Asana, Salesforce
11. Complaints
12. Custodians

Microsoft:

1. Text messages of Jonathan Tinter, Dee Templeton, and Kevin Scott

We look forward to discussing tomorrow.

Kind regards,

Charlotte

Charlotte Lepic | Susman Godfrey LLP

212-729-2064 (o) | 646-421-3356 (m)

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